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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,501	01/16/2004	Tomomi Takata	CFA00028US	7675
34904 7590 12/10/2009 CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION 15975 ALTON PARKWAY IRVINE, CA 92618-3731				
EXAMINER CHIN, RICKY				
ART UNIT 2423		PAPER NUMBER		
NOTIFICATION DATE 12/10/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/759,501

**Applicant(s)**

TAKATA ET AL.

**Examiner**

RICKY CHIN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 6, 11, 12, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 11-12, and 17-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/11/09 has been entered.

### ***Response to Arguments***

2. The Applicant's arguments filed August 11, 2009 have been fully considered.

With regards to claims 1 and 11-12, the applicant argues that the combination of Hua, Moore, and Ahmad does not teach of a calculating step of calculating a suitability ratio indicating suitability of each of a plurality of transition clips stored in advance, as a transition clip for giving an audience an impression indicated by the first impression information by referring to an additional information storing unit, in advance, intensity of each of a plurality of impressions given to the audience by each transition clip. The examiner respectfully disagrees. Moore, (col. 8 lines 15-27) discloses storing categorized sets of transition effects, whereby the categorization might include feeling such as conservative, elegant, funny, flashy, etc.). Moreover, Ahmad ([0042]-[0045] and [0051]) teaches an intensity of each impression and using transitions that are appropriate for particular beat frequencies that produce particular effects to

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adjust mood and feel of the visual summary and wherein the suitability ratio is calculated based on the intensity in the calculating step (See Hua, col. 16 lines 17-40; Ahmad, [0047] and [0051] which discloses displaying transitions based on beat frequencies to produce certain effects to adjust mood and feel and that the clips may be displayed according to a score). Hence, since the clips are based on tempo and beat frequencies which portray an intensity of a mood/impression, the transition type used is also based on the intensity of the mood/impression since the transition used is selected to be appropriate for the particular beat frequencies that produce the effect and moods.

Applicant also argues with respect to claims 1 and 11-12 that the combination fails to teach a displaying step of displaying a plurality of transition clips extracted at the transition clip extracting step together with the suitability ratios calculated in the calculating step in decreasing order of suitability ratio. With respect to this argument, the argument is moot in view of the new ground(s) of rejection(s).

With regards to claims 6 and 17-18, the applicant argues limitations not taught such as described in the claims of 1 and 11-12. The applicant further argues that the limitation of an error displaying step of displaying an error message when the transition clip specified at the receiving step is one of the unsuitable transitions extracted in the transition clip extracting step is not taught. With respect to this argument, the argument is moot in view of the new ground(s) of rejection(s).

For the reasons stated above, the rejections are maintained.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hua et al., US 7,127,120, in view of Ahmad, US 2004/0052505, in further view of Moore, US 7,102,643, and in further view of Mojsilovic et al., US 2003/0123737.

Regarding claims 1, 11 and 12, Hua teaches of an information processing method for editing input data (See [Abstract]), comprising:

an obtaining step of obtaining, from metadata of the data, of two scenes sandwiching a position for a transition clip among all scenes in the data and/or object information indicating objects existing in the two scenes (See col. 2 lines 52-56 which discloses that metadata features are extracted)

correlation obtaining step of obtaining correlation of the two scenes, object information of the two scenes obtained at the obtaining step, from a correlation storage unit storing in advance correlation between each object information (See Hua, col.16 lines 17-25 which discloses correlating the two sub-shots and integrating a transition based on similarities of the two sub-shots; and col.6 lines 50-col. 7 lines 40; col. 9 lines 10-20 which discloses the content selection for analyzing the calculated features of the metadata extraction module which sets

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the similarity measure thresholds for determining correlations to identify a similarities)

the first impression and/or effect corresponding to the correlation obtained at the correlation obtaining step, from an impression and/or effect storage unit storing, in an associated manner, the correlation between the two scenes sandwiching the transition clip and the impression and/or effect meant to be given to an audience by the transition clip to be inserted between the two scenes having the correlation (See Hua, col. 16 lines 15-25 and col. 9 lines 10-23 which discloses that the transition used is determined by the similarities of the sub-shots, similarities such as motion intensity. Moreover, the sub-shot motion intensity is directly correlated to the music mood (See Hua, col. 11 lines 25-30 and col. 15 lines 15-30 which discloses that the music mood is matched with the motion intensity according to equations and algorithms in the content selection module/effect storage unit). Thus, by comparing similarities of the motion intensities of the sub-shots, the mood of the sub-shots is also being compared and incorporated into the transition being inserted.

a receiving step of receiving an instruction to specify an arbitrary transition clip (See Hua, col. 16 lines 25-30 which discloses randomly choosing a transition clip)

a transition clip extracting step of extracting at least one transition clip from among a plurality of transition clips stored in advance (See Hua, col. 16 lines 30-55 which discloses extraction of a transition clip from up to a provided fifteen different types)

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a determining step of determining the transition clip which is specified at the receiving step as a transition clip to be inserted into the position being sandwiched between the two scenes (See Hua, col. 16 lines 18-50) and

a processing step of adding a transition effect to the data by using the transition clip determined at the determining step (See Hua, col.16 lines 17-35 which discloses the fusion module for integrating via the determined transition).

Hua does not explicitly teach of where the metadata of the data includes event information indicating a theme of two scenes; a calculating step of calculating a suitability ratio indicating suitability of each transition clip; a decreasing order of suitability ratio calculated at the calculating step; information associated with a transition clip by an additional information storing unit. However, in the same field of endeavor, Ahmad teaches of:

event information indicating a theme of two scenes (See Ahmad, [0035]; [0042]-[0043] which discloses evaluating and extracting metadata such as party/funeral and objects such as cars/people)

an impression and/or effect obtaining step of obtaining first impression effect information indicating an impression and/or an effect meant to be given to an audience by a transition clip to be inserted between two scenes (See Ahmad, [0042]-[0043] and [0051] which discloses producing particular emotional effects and mood/feel),

a calculating step of calculating a suitability ratio indicating suitability of each transition clip stored in advance, as a transition clip to be inserted into the position being sandwiched between the two scenes (See Ahmad, [0036] which discloses calculating a suitability score according to any of a combination of evaluations of the images), by comparing second impression and/or effect storing in advance the information indicating an impression and/or an effect meant to be given to an audience by each transition clip and the first impression and/or effect information obtained at the impression and/or effect obtaining step (See Ahmad, [0042] and [0051] which discloses evaluating the type of transition to use for each pair of clips, and designating particular transitions for different effects/moods such as for funerals or parties which is determined from the metadata of the content);

a decreasing order of suitability ratio calculated at the calculating step (See Ahmad, [0036] and [0047] which discloses displaying clips in increasing or decreasing order according to the score);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of inserting a transition according to similarities of sub-shots as taught by Hua to incorporate where the metadata of the data includes event information indicating a theme of two scenes; an impression and/or effect obtaining step of obtaining first impression information indicating an impression effect meant to be given to an audience by a transition clip; a calculating step of calculating a suitability ratio indicating suitability of each transition clip; a decreasing order of suitability ratio calculated



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at the calculating step as taught by Ahmad to be able to ascertain visual image characteristics such as events/effects and to be able to automatically create video deemed appropriate having a more professional look and feel (See, Ahmad, [0019] and [0051])

The combination of Hua and Ahmad does not explicitly teach of a displaying step of displaying at least one transition clip extracted at the transition clip extracting step, receiving an instruction to specify a transition clip from the at least one transition clip displayed at the displaying step, and; and of an information associated with a transition clip by an additional information storing unit. However, in the same field of endeavor, Moore teaches of a displaying step of displaying at least one transition clip extracted at the transition clip extracting step and receiving an instruction to specify a transition clip from the at least one transition clip displayed at the displaying step. (See Moore, Fig.9 (b) and col. 10 lines 35-55 which discloses being able to display and preview transition clips for selection) and of an information associated with a transition clip by an additional information storing unit (See Moore, col. 8 lines 15-27 which discloses storing categorized sets of transition effects, whereby the categorization might include feeling such as conservative, elegant, funny, flashy, etc.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Hua and Ahmad to incorporate displaying at least one transition clip extracted at the transition clip extracting step , receiving an instruction to specify a transition clip from the at

least one transition clip displayed at the displaying step, and of an information associated with a transition clip by an additional information storing unit as taught by Moore to be able to provide an editor the option to preview a transition from among a plurality of transitions before an actual transition to ensure the transition is the one desired as well as to be able to better characterize a transition clip for insertion which better reflects the users interests.

The combination of Hua, Ahmad, and Moore does not explicitly teach of wherein the displaying step of displaying a plurality of transition clips extracted at the transition clip extracting step together with the suitability ratios calculated in the calculating step in decreasing order of suitability ratio.

However, in the same field of endeavor, Mojsilovic teaches of displaying a plurality of images extracted at the extracting step together with the suitability ratios calculated in the calculating step in decreasing order of suitability ratio (See [0017]-[0018] and [0041]-[0042]) which discloses comparing an image to a plurality of images within a database and displaying a plurality of images from the database that are similar or non-similar to the compared image based on a calculated score, the plurality of images being capable of being displayed in an increasing or decreasing order or of any manner deemed appropriate. Therefore, it would have been obvious to have modified the teachings of Hua, Ahmad, and Moore to incorporate displaying a plurality of images extracted at the extracting step together with the suitability ratios calculated in the calculating step in decreasing order of suitability ratio as taught by Mojsilovic for the mere benefit of

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being able to organize the plurality of transition clips capable of being inserted based on a variety of scores such that would better inform the editor as to which images should or not should not be used for an inserted transition.

5. Claims 6 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hua et al., US 7,127,120, in view of Ahmad, US 2004/0052505, in further view of Moore, US 7,102,643, in further view of Mojsilovic et al., US 2003/0123737, and in further view of Gustman, US 2002/0052861.

Regarding claims 6, 17, and 18, the claims have been analyzed and rejected for the same reasons set forth in the rejections of claims 1, 11, and 12. Furthermore the combination of Hua, Ahmad, Moore, and Mojsilovic further teaches of wherein the transition clip extracting step extracts at least one transition clip, based on the suitability ratio calculated at the calculating step, which is unsuitable as a transition clip to be inserted (See Ahmad, [0036] and [0047] which discloses scores for the visual images obtained from evaluations indicating desirability and being able to display the clips in an order based on the score; Mojsilovic, [0041]-[0042] which discloses displaying in decreasing order).. Therefore, it would have been obvious to one of ordinary skill in the art to have modified the teachings of Hua to incorporate extracting at least one transition clip, based on the suitability ratio calculated at the calculating step, which is unsuitable as a transition clip to be inserted as taught by Ahmad and Mojsilovic

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to provide further flexibility as to better characterize the editor/viewer preference and desires as to the type of clip insertions made); the determining step of determining the transition clip which is specified at the receiving step (See Hua, col. 16 lines 15-30 which discloses random selection of a clip as specified at the receiving step) from the at least one transition clip displayed at the displaying step other than the extracted unsuitable transition clips, as a transition clip to be inserted (See Ahmad [0036] and [0047] which discloses a pre-established number of candidate images selected by highest score. Thus, the lower scores are deemed unsuitable and therefore not displayed after selection. Therefore, it would have been obvious to one of ordinary skill in the art to have modified the teachings of Hua, Mojsilovic and Moore with that of Ahmad to incorporate displaying suitable transitions only as taught by Ahmad to accurately select a desired transition which better characterizes an editor/viewer desires according to pre-determined factors so that clips deemed as inappropriate are not mistakenly selected);

The combination of Hua, Ahmad, Moore, and Mojsilovic does not explicitly teach of an error displaying step of displaying an error message when the transition clip specified at the receiving step is one of the unsuitable transitions extracted in the transition clip extracting step.

However, in the same field of endeavor, Gustman teaches of an error displaying step of displaying an error message when a determination of whether or not a particular multimedia data is inserted or dragged into an inappropriate

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relationship or category (See Gustman, See figs 17-18 and [0178]-[0180]).

Therefore, it would have been obvious to one of ordinary skill in the art to have modified the teachings of Hua, Ahmad, Mojsilovic, and Moore to have incorporated displaying an error message when a determination of whether or not a particular multimedia data is inserted or dragged into an inappropriate relationship or category as taught by Gustman for the mere benefit of determining whether or not the transition clip being inserted is inappropriate such that in a situation where a transitional clip having a different category of an upbeat mood is accidentally inserted for a video clip having a somber funeral theme and to be able to alert the editor/viewer of such an error.

### ***Contact***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Chin whose telephone number is 571-270-3753. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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